



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

**MAY 17 2010**

REPLY TO THE ATTENTION OF:  
W-15J

Mr. John P. Kivela, Mayor of City of Marquette  
Mr. Dennis Liimatta, Supervisor of Marquette Township  
300 West Baraga Avenue  
Marquette, Michigan 49855-4763

Dear Mayor Kivela and Supervisor Liimatta:

Thank you for your April 26, 2010 letter, addressed to Administrator Lisa P. Jackson, in which you encourage the U. S. Environmental Protection Agency to proceed with the original Woodland Road Transportation Plan in Marquette County, Marquette. Your letter was forwarded to this office for a reply.

Our office has been involved in the review and comment of the Michigan Department of Natural Resources and Environment (MDNRE) Public Notice dated December 17, 2009 on the project proposed by Woodland Road, LLC. This review was made in consultation with U.S. Fish and Wildlife Service (USFWS) and U.S. Army Corps of Engineers (USACE) per the 1983 Memorandum of Agreement between EPA and MDNRE regarding state assumption of the Clean Water Act (CWA) Section 404 permitting program.

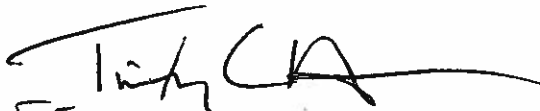
On March 17, 2010, EPA issued a letter to MDNRE consisting of a federal objection to permit issuance on the project as proposed. The objection was based on a variety of factors including the significance of the impacts to the aquatic environment, the existence of alternatives with less direct and indirect impacts, and insufficient compensatory mitigation.

EPA is aware of the citizens' concerns regarding the negative impact of truck traffic in residential areas, and safety is one factor that is taken into account in our review of the practicability of proposed alternatives for any project. Under the CWA Section 404(b)(1) Guidelines, there is a presumption that an upland alternative does exist for non-water dependant activities such as roads; the burden of proof remains on the applicant to demonstrate that an alternative is not practicable (40 CFR 230.10). EPA is willing to consider other alternatives, as proposed by the applicant that would bypass areas with dense residential development.

We appreciate your suggestion that our review look at the big picture including citizen safety and increased greenhouse gas emissions. Since your April 26, 2010 letter, the applicant has withdrawn their application for the MDNRE permit. In the event that a new application is submitted, EPA is committed to take a holistic approach to reviewing the project within the realm of our oversight of MDNRE's stream and wetland permit process.

Again, thank you for your letter. If you have further questions, please contact Melanie Haveman at 312-886-2255.

Sincerely,



For Tinka G. Hyde  
Director, Water Division